

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )              Cause No. 4:17-cr-00273-RLW-DDN  
                                )  
NAKIA PHILLIPS,            )  
                                )  
Defendant.                 )  
                                )

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**MOTION TO CONTINUE EVIDENTIARY HEARING ON DEFENDANT'S  
SUPPRESSION MOTION**

**COMES NOW** Defendant Phillips by and through Counsel Robert Herman, and for his motion to continue hearing states the Court as follows:

1. The Evidentiary Hearing is currently set for September 19, 2017.
2. Defendant's counsel is unavailable on September 19, 2017 due to Oral Argument at the Supreme Court in Jefferson City, Missouri in the matter of Susan Gall v. Russell Steele.
3. Defendant's counsel is unavailable on September 20, 2017 due to Oral Argument at the Eighth Circuit Court of Appeals in St. Louis, Missouri in the matter of Michael Banks v. Francis Slay.
4. Counsel Herman requires additional time to meet with Defendant Phillips in order to prepare for the Evidentiary Hearing.
5. Defendant Phillips requests the hearing be continued eight (8) days until September 27, 2017.

**WHEREFORE**, Defendant prays this Court continue the Evidentiary Hearing eight (8) days until September 27, 2017 and for any such further relief this Court deems just and proper.

Respectfully submitted,

**SCHWARTZ, HERMAN & DAVIDSON**

By: /s/ Robert Herman  
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*Attorney for Defendant, Nakia Phillips*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 29, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system to the counsel of record.

By: /s/ Robert Herman